

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(PROCEEDINGS THROUGH V.C.)**

LPA No. 963 of 2021 &
C.M. No. 2263-LPA-2021

Date of Decision: February 28th, 2022

KULBHUSHAN JAIN

...APPELLANT

Versus

UNION OF INDIA AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Dr. Deepak Jindal, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J.

C.M. No. 2263-LPA-2021

C.M. is allowed subject to just exceptions. Press release dated 28.07.2021 as additional document i.e. Annexure A-1 is taken on record.

LPA No. 963 of 2021

This appeal has been preferred challenging the order dated 06.04.2021 passed by the learned Single Judge dismissing the writ petition preferred by the appellant-petitioner wherein order dated 11.01.2012 followed by order dated 26.04.2013 passed by the Central Information Commission declining to supply information sought by the appellant-petitioner under the Right to Information Act, 2005, stands dismissed.

2. It is the contention of the learned counsel for the appellant that the learned Single Judge has failed to appreciate that the claim under the Right to Information Act does not cease to exist because of the delay in

seeking such information. His contention is that the learned Single Judge, while passing the impugned order, has rejected the claim of the appellant-petitioner on the ground of delay and laches alone and, therefore, the said order cannot sustain. In this regard, it has also been mentioned by the counsel for the appellant that the Court had given an opportunity to the appellant-petitioner to respond with reference to the aspect of delay and laches vide order dated 05.11.2020. In pursuance thereto, C.M. No. 100 of 2021 was preferred explaining the delay, along with annexures, in approaching this Court but the Court had proceeded to ignore those aspects while passing the impugned order.

3. It is the further contention of the learned counsel for the appellant that the appellant is facing proceedings before the Debt Recovery Tribunal, Chandigarh for recovery of certain amounts which he had already paid. This is because of the fault and fraud being played upon the appellant. It is for this purpose that the information was sought by the appellant from respondent-ICICI Bank Ltd. Counsel, thus, contends that the impugned order may be set aside and the appeal allowed by directing the respondents to accept the prayer of the appellant for supply of the information, as sought for by him vide application/letter dated 15.11.2011.

4. We have considered the submissions made by the learned counsel for the appellant and with his assistance, have gone through the impugned order as well as the pleadings on record but do not find ourselves in agreement with the same.

5. Learned Single Judge has rightly proceeded to reject the claim, as made in the writ petition, by referring to the aspect of delay and laches in challenging the order dated 11.01.2012 followed by order dated 26.04.2013

which was challenged by the appellant in the year 2020.

6. It is apparent from the record that the application dated 15.11.2011 was rejected by the Central Information Commission vide order dated 11.01.2012 taking the plea that the Standard Chartered Bank was not a public authority under the Right to Information Act being a private bank. This order passed by the Central Information Commission declining the supply of information was sought to be reviewed by filing an application, which application was also rejected on 26.04.2013. Appellant thereafter, it appears, was satisfied with the said order and has now approached this Court after a delay of 7 years.

7. Only explanation, which has been projected by the appellant, is with regard to the proceedings which have been initiated by the ICICI Bank Ltd. where claim of Rs. 24,78,999 as on 23.05.2014 was made by moving an application before the Debt Recovery Tribunal, Chandigarh. It is asserted that in the said proceedings, the appellant had made efforts to get the information from the bank but has failed to receive the same. It is then he has approached this Court by way of the writ petition.

8. This explanation, as has been projected by the counsel for the appellant, is unacceptable as the proceedings under the Right to Information Act are independent of the proceedings under the Debt Recovery Tribunal. The domain and purpose of both the acts is totally different and there is no connection whatsoever between the two. The proceedings under the Right to Information Act, thus, cannot be related with the proceedings under The Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002. The plea, therefore, put forth for making an effort to explain the inordinate delay has rightly been rejected by the learned

Single Judge.

9. A perusal of the impugned order would show that although the claim of the appellant was rejected on the ground of delay and laches but the Court had been considerate enough to dispose of the writ petition with liberty to the appellant-petitioner to take steps before the Debt Recovery Tribunal or even otherwise, to seek the requisite information.

10. We, therefore, do not find any justification or reason for interfering in the impugned order dated 06.04.2021 passed by the learned Single Judge.

11. The appeal being devoid of merit stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

February 28th, 2022
pj

**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No